

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISIDRO BENITEZ-CASTILLO,  
OSCAR RODRIGUEZ-RODRIGUEZ,  
FABIAN VALDOVINOS-PEREZ and  
DAVID LOZANO-ALVARADO,

Defendants.

CASE NO. CR14-5159BHS

ORDER

This matter came before the Court on February 4, 2015, for a hearing on pretrial motions and a Pretrial Conference. At the hearing, the Court heard arguments on Defendant Fabian Valdovinos-Perez' Motion to Continue Trial Date and Sever Defendant, which was filed late in the evening on February 3, 2015. Defendants Isidro Benitez-Castillo, Oscar Rodriguez-Rodriguez and David Lozano-Alvarado joined in the motion to continue and the government strongly opposed the motion.

The Court found that the defense, particularly the defense for Defendant Fabian Valdovinos-Perez, needed additional time to prepare for trial as a result of a search warrant that the government did not produce in discovery until on or about January 21, 2015, and granted the motion to continue the trial.

In addition to the findings made on the record, the Court makes the following additional findings of fact and conclusions of law:

1 1. The defense needs additional time to explore all relevant issues and defenses  
2 applicable to the case, which would make it unreasonable to expect adequate preparation for  
3 pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act  
4 and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

5 2. Taking into account the exercise of due diligence, a continuance is necessary to allow  
6 the defendant the reasonable time for effective preparation his defense, to explore resolution of  
7 this case before trial and to substantially ensure continuity of defense counsel. 18 U.S.C. §  
8 3161(h)(7)(B)(iv).

9 3. Proceeding to trial absent adequate time for the defense to prepare would result in a  
10 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

11 4. The ends of justice served by granting this continuance outweigh the best interests of  
12 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

13 5. Each Defendant executed a speedy trial waiver waiving speedy trial through May 5,  
14 2015.

15 NOW, THEREFORE, IT IS HEREBY ORDERED

16 That the trial date is continued from February 17, 2015, to May 5, 2015, at 9:00 a.m.  
17 Pretrial Conference is set for April 27, 2015, at 1:30 p.m. Pretrial motions are due by February  
18 25, 2015. The resulting period of delay from February 3, 2015, to May 5, 2015, is hereby  
19 excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

20 Dated this 5<sup>th</sup> day of February, 2015.

21 

22 BENJAMIN H. SETTLE  
United States District Judge